



Substitute Senate Bill No. 1033

Public Act No. 05-180

AN ACT CONCERNING SPECIAL POLICEMEN IN THE SPECIAL INVESTIGATION SECTION OF THE DEPARTMENT OF REVENUE SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (b) of section 53a-19 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(b) Notwithstanding the provisions of subsection (a) of this section, a person is not justified in using deadly physical force upon another person if he or she knows that he or she can avoid the necessity of using such force with complete safety (1) by retreating, except that the actor shall not be required to retreat if he or she is in his dwelling, as defined in section 53a-100, or place of work and was not the initial aggressor, or if he or she is a peace officer or a special policeman appointed under section 29-18b or a private person assisting such peace officer or special policeman at his or her direction, and acting pursuant to section 53a-22, as amended by this act, or (2) by surrendering possession of property to a person asserting a claim of right thereto, or (3) by complying with a demand that he or she abstain from performing an act which he or she is not obliged to perform.

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Sec. 2. Section 53a-22 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of physical force to make an arrest or to prevent an escape from custody. A peace officer, special policeman appointed under section 29-18b or an authorized official of the Department of Correction who is effecting an arrest pursuant to a warrant or preventing an escape from custody is justified in using the physical force prescribed in subsections (b) and (c) of this section unless such warrant is invalid and is known by such officer to be invalid.

(b) Except as provided in subsection (a) of this section, a peace officer, special policeman appointed under section 29-18b or authorized official of the Department of Correction is justified in using physical force upon another person when and to the extent that he or she reasonably believes such to be necessary to: (1) Effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes to have committed an offense, unless he or she knows that the arrest or custody is unauthorized; or (2) defend himself or herself or a third person from the use or imminent use of physical force while effecting or attempting to effect an arrest or while preventing or attempting to prevent an escape.

(c) A peace officer, special policeman appointed under section 29-18b or authorized official of the Department of Correction is justified in using deadly physical force upon another person for the purposes specified in subsection (b) of this section only when he or she reasonably believes such to be necessary to: (1) Defend himself or

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herself or a third person from the use or imminent use of deadly physical force; or (2) effect an arrest or prevent the escape from custody of a person whom he or she reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury and if, where feasible, he or she has given warning of his or her intent to use deadly physical force.

(d) Except as provided in subsection (e) of this section, a person who has been directed by a peace officer, special policeman appointed under section 29-18b or authorized official of the Department of Correction to assist such peace officer, special policeman or official to effect an arrest or to prevent an escape from custody is justified in using reasonable physical force when and to the extent that he or she reasonably believes such to be necessary to carry out such peace officer's, special policeman's or official's direction.

(e) A person who has been directed to assist a peace officer, special policeman appointed under section 29-18b or authorized official of the Department of Correction under circumstances specified in subsection (d) of this section may use deadly physical force to effect an arrest or to prevent an escape from custody only when: (1) He or she reasonably believes such to be necessary to defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force; or (2) he or she is directed or authorized by such peace officer, special policeman or official to use deadly physical force, unless he or she knows that the peace officer, special policeman or official himself or herself is not authorized to use deadly physical force under the circumstances.

(f) A private person acting on his or her own account is justified in using reasonable physical force upon another person when and to the extent that he or she reasonably believes such to be necessary to effect an arrest or to prevent the escape from custody of an arrested person

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whom he or she reasonably believes to have committed an offense and who in fact has committed such offense; but he or she is not justified in using deadly physical force in such circumstances, except in defense of person as prescribed in section 53a-19.

Sec. 3. Section 53a-23 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

A person is not justified in using physical force to resist an arrest by a reasonably identifiable peace officer or special policeman appointed under section 29-18b, whether such arrest is legal or illegal.

Sec. 4. Subsection (a) of section 53a-167a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) A person is guilty of interfering with an officer when such person obstructs, resists, hinders or endangers any peace officer, special policeman appointed under section 29-18b or firefighter in the performance of such peace officer's, special policeman's or firefighter's duties.

Sec. 5. Section 53a-167b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) A person is guilty of failure to assist a peace officer, special policeman or firefighter when, commanded by a peace officer, special policeman appointed under section 29-18b or firefighter authorized to command assistance, such person refuses to assist such peace officer, special policeman or firefighter in the execution of such peace officer's, special policeman's or firefighter's duties.

(b) Failure to assist a peace officer, special policeman or firefighter is a class A misdemeanor.

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Sec. 6. Section 53a-167c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) A person is guilty of assault of public safety or emergency medical personnel when, with intent to prevent a reasonably identifiable peace officer, special policeman appointed under section 29-18b, firefighter or employee of an emergency medical service organization, as defined in section 53a-3, emergency room physician or nurse, employee of the Department of Correction, member of the Board of Pardons and Paroles, probation officer, employee of the judicial branch assigned to provide pretrial secure detention and programming services to juveniles accused of the commission of a delinquent act, employee of the Department of Children and Families assigned to provide direct services to children and youth in the care or custody of the department, employee of a municipal police department assigned to provide security at the police department's lockup and holding facility or active individual member of a volunteer canine search and rescue team, as defined in section 5-249, from performing his or her duties, and while such peace officer, special policeman, firefighter, employee, physician, nurse, member, probation officer or active individual member is acting in the performance of his or her duties, (1) such person causes physical injury to such peace officer, special policeman, firefighter, employee, physician, nurse, member, probation officer or active individual member, or (2) such person throws or hurls, or causes to be thrown or hurled, any rock, bottle, can or other article, object or missile of any kind capable of causing physical harm, damage or injury, at such peace officer, special policeman, firefighter, employee, physician, nurse, member, probation officer or active individual member, or (3) such person uses or causes to be used any mace, tear gas or any like or similar deleterious agent against such peace officer, special policeman, firefighter, employee, physician, nurse, member, probation officer or active individual member, or (4) such person throws or hurls, or causes to be thrown or

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hurled, any paint, dye or other like or similar staining, discoloring or coloring agent or any type of offensive or noxious liquid, agent or substance at such peace officer, special policeman, firefighter, employee, physician, nurse, member, probation officer or active individual member, or (5) such person throws or hurls, or causes to be thrown or hurled, any bodily fluid including, but not limited to, urine, feces, blood or saliva at such peace officer, special policeman, firefighter, employee, physician, nurse, member, probation officer or active individual member.

(b) Assault of public safety or emergency medical personnel is a class C felony. If any person who is confined in an institution or facility of the Department of Correction is sentenced to a term of imprisonment for assault of an employee of the Department of Correction under this section, such term shall run consecutively to the term for which the person was serving at the time of the assault.

Approved July 1, 2005